

# CITY OF SAN BRUNO

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## STAFF

George D. Foscardo, AICP,  
*Community Development Director*  
Grant Wilson, AICP, *Associate Planner*  
Aaron Akin, *Assistant Planner*  
Pamela Thompson, *City Attorney*  
Tanya Sullins, *Recording Secretary*

## PLANNING COMMISSIONERS

Kevin Chase, *Chair*  
Perry Petersen, *Vice-Chair*  
Mary Lou Johnson  
Bob Marshall Jr.  
Joe Sammut  
Robert Schindler  
Mark Tobin

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## COMMUNITY DEVELOPMENT DEPARTMENT

### PLANNING COMMISSION MINUTES

March 18, 2003

San Bruno Senior Center  
1515 Crystal Springs Blvd.  
7:00 P.M. to 11:00 P.M.

CALL TO ORDER at 7:00 p.m.

### ROLL CALL

	<u>Present</u>	<u>Absent</u>
Chair Chase	x	
Vice Chair Petersen	x	
Commissioner Johnson	x	
Commissioner Marshall		x
Commissioner Schindler	x	
Commissioner Sammut		x
Commissioner Tobin		x

### STAFF PRESENT:

Planning Division: **George Foscardo**  
**Aaron Akin**, Assistant Planner  
**Tanya Sullins**, Planning Secretary

City Attorney: **Pamela Thompson**

### Pledge of Allegiance

1. **Approval of Minutes** Vice Chair Petersen/Commissioner Johnson  
February 18, 2003
2. **Communication –** **NA**
3. **Public Comment** **Na**

### 4. **2400 Toyon Avenue**

Request for a use permit to allow construction of an addition that would exceed the maximum standard floor area ratio and would have a section with three stories in the same vertical plane; per Sections 12.200.030.B.2, 12.200.030.B.4, and 12.200.050 of the San Bruno Zoning Ordinance – Martin Chinn, architect; Victoria and Marvin Chin, owners.

Assistant Planner Akin entered staff report.

Applicant/Architect was present to answer any questions. Commissioner Schindler asked if owners agree with the conditions of approval. Architect stated that they did.

Public Hearing Opened

N/A

Public Hearing Closed

**Motion Johnson/Second Schindler to approve** Use Permit 03-01 based on Findings of Fact (1-8) and Conditions of Approval (1-11).

VOTE:	4-0-0
AYES:	4
NOES:	0
ABSTAIN:	0

**FINDINGS FOR APPROVAL**

1. Proper notice of the public hearing was given by legal notice published in the San Bruno Herald, Saturday, March 8, 2003, and seventy-four (74) notices were mailed to property owners within 300 feet of the project site on March 7, 2003.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
5. The general appearance of the proposed addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the existing structure and the proportions of the house are similar to other houses in the neighborhood.
6. The proposed addition will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
7. The construction of the addition is consistent with the San Bruno General Plan, which designates the property for low-density residential purposes.
8. The off-street parking will be adequate for the residence because the proposal will accommodate two cars in the garage plus driveway parking for an additional two cars.

**CONDITIONS FOR APPROVAL**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 03-01 shall not be valid for any purpose. Use Permit 03-01 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The request for a Use Permit for a 1,038 square foot addition to an existing dwelling shall be built according to plans approved by the Planning Commission on March 18, 2003, labeled Exhibit A except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
3. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.

4. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
5. The residence and garage shall be used only as a single-family residential dwelling unit. No portion of the residence or garage shall be rented out as a secondary residential dwelling unit.
6. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
7. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
8. All exterior materials shall match.

**Department of Public Works - (650) 616-7065**

9. Any work in the City Right-of-Way which includes the sidewalk, street and driveway approach, requires an encroachment permit from the Public Works Department. Materials and debris shall not be stockpiled within the City right-of-way. A new curb cut and the curb and gutter shall be replaced where necessary.
10. Install a sanitary sewer cleanout at the property line.
11. Storm water from new addition and garage roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through a curb drain to the gutter.
12. No fence or retaining wall shall be built within 5.5 feet from back of sidewalk.

**5. 2027 Willow Way**

Request for a use permit to allow construction of an addition that would increase the existing floor area by more than 50%, would have a .56 FAR, and proposes a garage area greater than 600 sq. ft.; per Sections 12.200.030.B.1, 12.200.030.B.2, and 12.200.080.B of the San Bruno Zoning Ordinance –Isidore Mahon, owner/applicant.

Assistant Planner Aknin entered staff report. Expressed the concerns of the neighbors, and added conditions of approval accordingly. Commissioner Schindler asked about the status of the failing retaining walls, and wanted those corrected.

Owner Mahon was present to answer questions. He stated that he would definitely have the retaining wall repaired and was hoping that the addition would also support the hill.

Public Hearing Opened

Commissioner Johnson asked what was the reason for a 1248 sq ft garage. Owner stated that it was primarily for storage, and would not be working as a business out of the garage. He is a contractor, and needs to store his equipment and vehicle. Vice Chair Petersen asked at what point would the retaining wall be repaired. He said that it would be repaired as part of the foundation project. Petersen asked if it was ok if there was a condition that stated that the retaining wall is to be the 1<sup>st</sup> part of the construction project. Owner stated that would be agreeable.

Neighbors at 2031 Willow Way were present. Their concern was that the 2<sup>nd</sup> story that is being proposed was so tall that their view would be affected. Neighbor at 3046 Fleetwood Drive was also concerned with her view being blocked. Neighbor at 2061 Willow Way, she stated that she is in favor of the construction, because she feels it will increase the value of the surrounding property. Vice Chair Petersen asked applicant if the new garage would be closed off from the existing garage. Applicant stated that the 2 garages would be closed off from each other. Vice Chair Petersen asked about a drawing reflect on Sheet A3.3, and he wanted to know what the height would be of the garage. Applicant stated that it would be about 10.5 feet. The 2<sup>nd</sup> floor height would be 8 feet. Commissioner Johnson asked if the owner would be opposed to having obscure windows on the 2<sup>nd</sup> floor. Owner stated that he would want to have one window clear, but the other windows would be ok to make obscure. Commissioner Schindler asked the applicant to make sure they measure very carefully that the height is no more than 28 feet in height. Vice Chair Petersen was trying to determine if the house addition is substantially going to change

the views of the neighbors. Assistant Planner Akin stated that he went out to the sites that the neighbors were concerned with and it looks to him that the addition will be level with the neighbor behind's yard. Also, on the left elevation on the garage side he is recommending an elevated window. Owner stated that he would rather have an obscure window over an elevated window. Commissioner Schindler stated that the window in the living room is different from the one in the bathroom, and they shouldn't have to match. Vice Chair Petersen asked if the windows on the 2<sup>nd</sup> floor on the other side from the bathroom, if a condition was written that they be obscure/frosted or at least 60 inches from the floor.

Public Hearing Closed

**Motion /Second to approve** Use Permit 03-02 based on Findings of Fact (1-8) and Conditions of Approval (1-17). #13) obscure windows on the bathroom side, and bath windows having the same orientation (vertical or horizontal) #14) the windows on the opposite side of 2<sup>nd</sup> story either clear and 60" from the floor or frosted in same position shown, #15) hip roof on 2<sup>nd</sup> story, #16) Prior to construction to repair the retaining wall 17) Garage not to be used as a mechanic shop.

VOTE:	4-0-0
AYES:	4
NOES:	0
ABSTAIN:	0

**6. 566 7<sup>th</sup> Avenue**

Revised request for a use permit to allow construction of an addition to a single-family dwelling that would have a floor area ratio of .61 where the standard is .55 and would have a garage with greater than 600 square feet; per Sections 12.200.030.B.2, 12.200.050.B, and 12.200.080.B of the San Bruno Zoning Ordinance; Joe Pela, designer; Praveen Maharaj, owner.

Assistant Planner Akin entered staff report. Staff recommends approval of Use Permit UP -02-07 subject to the attached Findings of Fact (1-10) and Conditions of Approval (1-13).

Commissioner Johnson asked Assistant Planner Akin if he has been out to the site. He stated that he thinks that Associate Planner Wilson has gone out to the site and he has gone out himself the last time this project came before the Planning Commission.

In regards to the 2<sup>nd</sup> kitchen that is currently being used for the owner's day care business, City Attorney Thomson stated that the best way the commission could protect the City would be to specify that if this particular day care is discontinued, then the condition would be imposed that the applicant would need to return before the commission to determine what would happen to the 2<sup>nd</sup> kitchen.

Public Hearing Opened

Applicant and owner Mr. Maharaj was present to answer any questions. Commissioner Schindler asked the owner if he was in agreement with all the conditions of approval. Owner stated that he agreed with each of them. Commissioner Johnson asked the owner to describe about the downstairs for documentation purposes. Owner replied that when they purchased the home, the 2<sup>nd</sup> kitchen was already there. The previous owner had the kitchen downstairs renovated by the city because of flooding. Ms. Maharaj told Commissioner Johnson that there would be another bathroom added, but she wasn't sure about it. Owner stated that the existing bathroom would be removed, and a new one put in. Commissioner Johnson asked staff what could be done about the 2<sup>nd</sup> kitchen because it doesn't appear to be up to code. Community Development Director Foscardo replied that the City has so far only acknowledged that it exists, not that it is a 2<sup>nd</sup> unit. It is still considered a single family dwelling according to the city. Chair Chase asked if the building inspectors have gone out to this site, due to the concerns at the previous meeting. Community Development Director Foscardo stated that staff would have to check on that. Owner stated that the building inspector did come out at that time, and everything had been fixed according to him at that time.

Public Hearing Closed

**Motion Schindler/Second Petersen** approval of Use Permit UP-02-07 subject to the attached Findings of Fact (1-10) and Conditions of Approval (1-14). #14 stating that if this particular day care is discontinued, the applicant would need to return before the commission to determine what would happen to the 2<sup>nd</sup> kitchen.

VOTE: 4-0-0  
AYES: 4  
NOES: 0  
ABSTAIN: 0

**FINDINGS FOR APPROVAL**

1. Proper notice of the public hearing was given by legal notice published in the San Bruno Herald, Saturday, July 6, 2002, on Saturday, August 10, 2002, and on Saturday, March 8, 2003, and 35 notices were mailed to property owners within 300 feet of the project site on July 5, 2002, on August 7, 2002, and on March 7, 2003.
2. Notice of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
5. The general appearance of the proposed dwelling is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the existing structure and the proportions of the home are similar to other buildings in the neighborhood.
6. The proposed addition will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
7. The construction of the addition is consistent with the San Bruno General Plan, which designates the property for low-density residential purposes.
8. The off-street parking will be adequate for the residence as determined by the zoning ordinance.
9. This project is within the San Bruno Redevelopment Area.
10. Adherence to the conditions of approval will prevent use of this property as two dwelling units; therefore, granting the use permit would not bestow special privilege on this property.

**CONDITIONS FOR APPROVAL**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Community Development Department within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 02-07 shall not be valid for any purpose. Use Permit 02-07 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The request for a use permit for an addition to an existing dwelling at 566 Seventh Avenue shall be built according to plans approved by the Planning Commission on March 18, 2003, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
3. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
4. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
5. The residence and garage shall be used only as a single-family residential dwelling. **No portion of the residence or garage shall be rented out as a secondary residential dwelling unit.**
6. **The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code.** Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
7. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
8. All exterior materials and windows shall match.
9. Any work in the City Right-of-Way which includes the sidewalk, street and driveway approach, requires an encroachment permit from the Public Works Department. Materials and debris shall not be stockpiled within the City right-of-way. No fence or wall shall be constructed in the right-of-way setback.
10. Install a sanitary sewer cleanout at the property line per City standards.
11. Storm water from new addition and garage roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through a curb drain to the gutter.
12. The owner/applicant shall install windows and doors on the addition at their own expense that comply with the standards of the Aircraft Noise Insulation Project.
13. The proposed interior staircase must be completed prior to final inspection.
14. If this particular day care is discontinued, the applicant would need to return before the commission to determine what would happen to the 2nd kitchen.

#### **7. 1034 East Huntington Avenue**

Request for a use permit, minor modification permit, and parking exception to allow construction of an addition that would increase the existing floor area by more than 50%, proposes to exceed the .55 FAR guideline, continue existing 3' sideyard setbacks, and proposes a tandem garage.; per Sections 12.200.030.B.1, 12.200.030.B.2, 12.120.010.B, and 12.200.080.C of the San Bruno Zoning Ordinance.

Assistant Planner Akin entered staff report. Staff recommends approval of Use Permit 03-03, Parking Exception 03-02, and Minor Modification Permit 03-02, based on Findings of Fact (1-11) and Conditions of Approval (1-13).

Applicant and owner Mr. Keamises was present to answer any questions. Commissioner Schindler asked for a color sample. Applicant also stated that he agrees with all the conditions of approval. Commissioner Johnson stated that when she went out to the site she noticed that none of the neighbors would really be affected by the addition, and would improve the neighborhood.

Public Hearing Opened

NA

Public Hearing Closed

**Motion Petersen/Second Johnson** approval of Use Permit 03-03, Parking Exception 03-02, and Minor Modification Permit 03-02, based on Findings of Fact (1-11) and Conditions of Approval (1-13).

VOTE: 4-0-0  
AYES: 4  
NOES: 0  
ABSTAIN: 0

**FINDINGS FOR APPROVAL**

1. Proper notice of the public hearing was given by legal notice published in the San Bruno Herald, Saturday, March 8, 2003, and notices were mailed to property owners within 300 feet of the project site on March 18, 2003.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
5. The general appearance of the proposed addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the existing structure and the proportions of the house are similar to other houses in the neighborhood.
6. The proposed addition will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
7. The construction of the addition is consistent with the San Bruno General Plan, which designates the property for low-density residential purposes.
8. The off-street parking will be adequate for the residence.
9. Area is within the San Bruno Redevelopment Area.
10. The strict application of the provisions of this chapter would cause particular difficulty or undue hardship in connection with the use and enjoyment of said property.
11. That the establishment, maintenance and/or conducting of the off street parking facilities as proposed are nearly in compliance with the requirements set forth in Chapter 12.100 as are reasonably possible.

**CONDITIONS FOR APPROVAL**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 03-02, Minor Modification Permit 03-02, and Parking Exception 03-02 shall not be valid for any purpose Use Permit 03-02, Minor Modification Permit 03-02, and Parking Exception 03-02 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The request for a Use Permit, Minor Modification Permit, and Parking Exception for first and second-story addition to an existing dwelling shall be built according to plans approved by the Planning Commission on March 18, 2003, labeled Exhibit A except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
3. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project

shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.

4. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
5. The residence and garage shall be used only as a single-family residential dwelling unit. No portion of the residence or garage shall be rented out as a secondary residential dwelling unit.
6. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
7. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
8. All exterior materials and roofing materials shall match.

**Department of Public Works - (650) 616-7065**

9. Any work in the City Right-of-Way which includes the sidewalk, street and driveway approach, requires an encroachment permit from the Public Works Department. Materials and debris shall not be stockpiled within the City right-of-way.
10. Install a sanitary sewer cleanout at the property line.
11. Storm water from new addition and garage roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through a curb drain to the gutter.
12. No fence or retaining wall shall be built within 2' from the back of the sidewalk.
13. Paint house number on top of curb near driveway approach. Black lettering on white background.

**8. 446 Redwood Avenue**

Request for a use permit to allow construction of an addition that would exceed the maximum standard floor area ratio and would have a new second story section not set back the standard five feet from the front plane of the first story; per Sections 12.200.030.B.2, 12.200.040.B.2, and 12.200.050 of the San Bruno Zoning Ordinance – Luis Robles, architect; Martijn and Michelle Blumenthal, owners.

Assistant Planner Akin entered staff report. Staff recommends Commission to **approve** Use Permit UP-03-04 subject to the attached Findings of Fact (1-8) and Conditions of Approval (1-11).

Applicant Ms. Blumenthal was present to answer any questions. Vice Chair Petersen asked if applicant agrees with the conditions of approval. Applicant stated that she did.

Public Hearing Opened

N/A

Public Hearing Closed

**Motion Johnson/Second Petersen to approve** Use Permit UP-03-04 subject to the attached Findings of Fact (1-8) and Conditions of Approval (1-11).

VOTE:	4-0-0
AYES:	4
NOES:	0
ABSTAIN:	0

**FINDINGS FOR APPROVAL**

1. Proper notice of the public hearing was given by legal notice published in the San Bruno Herald, on Saturday, March 8, 2003, and 69 notices were mailed to property owners within 300 feet of the project site on March 7, 2003.
2. Notice of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.



3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
5. The general appearance of the proposed dwelling is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the existing structure and the proportions of the home are similar to other buildings in the neighborhood.
6. The proposed addition will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
7. The construction of the addition is consistent with the San Bruno General Plan, which designates the property for low-density residential purposes.
8. The off-street parking will be adequate for the residence as determined by the zoning ordinance.

#### **CONDITIONS FOR APPROVAL**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Community Development Department within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 03-04 shall not be valid for any purpose. Use Permit 03-04 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The request for a use permit for an addition to an existing dwelling at 446 Redwood Avenue shall be built according to plans approved by the Planning Commission on March 18, 2003, labeled Exhibit A except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
3. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
4. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
5. The residence and garage shall be used only as a single-family residential dwelling. No portion of the residence or garage shall be rented out as a secondary residential dwelling unit.
6. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
7. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness. Paint house number on top of curb near driveway approach with black lettering on a white background.
8. All exterior materials and windows shall match.
9. Any work in the City Right-of-Way which includes the sidewalk, street and driveway approach, requires an encroachment permit from the Public Works Department. Materials and debris shall not be stockpiled within the City right-of-way. No fence or wall shall be constructed in the right-of-way setback.
10. Install a sanitary sewer cleanout at the property line per City standards.
11. Storm water from new addition and garage roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through a curb drain to the gutter.

#### **9. 1640 Crestwood Drive**

Request for a Use Permit for a 1,044 square foot, first and second story addition to an existing one story residence which is a greater than 50% expansion of the existing floor area, per Section 12.200.030.B.1 of the San Bruno Zoning Ordinance – Santos Kumar, owner & applicant.

Assistant Planner Aknin entered staff report. Staff recommends that the Commission continue **Use Permit 02-51 to the April 15, 2003 Planning Commission meeting.** Assistant Planner Aknin reviewed several conflicting pieces of information he was receiving from the owner and from the Designer, and he said that he would like to sit down with the 2 of them and go over all the issues and to be able to present this to the Planning Commission again.

Vice Chair Petersen asked staff if they was aware that if the garage is being rented or used as a place of residence. Assistant Planner Aknin stated that they did have a permit to convert the garage into bedrooms, and have a carport that takes care of the parking requirement. Chair Chase asked if the accessory buildings are included in the FAR for the residence. Assistant Planner Aknin stated that it would be, and if not FAR it would be included in lot coverage. One is a storage shed, and the other a prayer room. Neither requires a permit due to the size of each.

#### Public Hearing Opened

Designer of the addition was present to answer questions. He stated that the chimney would be removed, because it is too bulky and old which is why it wasn't shown on the drawings. He also stated that the prayer room would be removed from the back yard. The shed that is also there will also be removed; this is why he didn't show either of these structures on the set of plans. He made a note on the plans that all illegal structures will be removed. Chair Chase asked about the overhang. Designer stated that the overhang would be removed. Assistant Planner Aknin stated that the addition is not what staff is against, but they should have a complete package so they know exactly what is being proposed, especially since both neighbors are concerned with this project. He also suggested that a variance be applied for the next proposal so that they can elevate the fence to 8 feet for the privacy of one of the neighbors. Vice-Chair Petersen asked if it would be ok to ask the designer to show structures that exist now, and planned to be removed. Assistant Planner Aknin stated that would be fair to expect.

Neighbor at 1630 Crestwood Drive was present to express his concerns of this project. He stated that he has never seen a project that has changed the entryway of the home. He feels that this will look like a multi family dwelling. He feels that this floor plan looks like more than one family will be able to reside in it. He is also concerned with the loss of privacy because of the elevation. He also stated that he had a problem with drainage from the neighbor's property to his property. He feels that this house will change the character of the neighborhood. Assistant Planner Aknin stated that he wanted to add a condition to help the neighbor by requesting not only having the addition have gutters and downspouts but also the existing home have gutters and downspouts. Vice Chair Petersen suggested that staff look into the idea of the flatwork or long piece of concrete could make a big difference in the drainage issue.

#### Public Hearing Closed

**Motion Petersen/Second Schindler** continue **Use Permit 02-51 to the April 15, 2003 Planning Commission meeting.**

VOTE:	4-0-0
AYES:	4
NOES:	0
ABSTAIN:	0

#### **10. 2595 Oakmont Drive**

Request for a Use Permit to expand an existing senior care facility to eight (8) residents in a single-family residential zone; per Sections 12.84.200 and 12.96.060.C.6 of the San Bruno Zoning Ordinance - Ruby O'Brien (owner/applicant).

Assistant Planner Aknin entered staff report. Staff recommends that the Commission **approve** Use Permit 03-06 based on Findings of Fact (1-8) and Conditions of Approval (1-9).

Vice Chair Petersen asked when this house was built. Aknin stated that an addition (which was a complete renovation of the home) was done in 2000.

Public Hearing Opened

Applicant O'Brien, owner and operator of Westborough Manor, licensed for elderly care was present to answer any questions. She explained why she needed the addition. Architect was also present to answer any technical questions. Chair Chase asked architect if he was the original architect for the remodel/addition back in 2000. Architect stated that he was. But this current request does not require any additional square footage, but slight inside remodel. Commissioner Johnson asked if the applicant was in support with the conditions of approvals. He stated that he was. Vice Chair Petersen asked if any doors would be added to the home. Architect stated that there would be 4 additional doors added (each bedroom requires 2 exits and one exit to the outside). They would not be used in normal circumstances. Fire Marshall Devendorf stated that the applicant is to change out the windows to doorways to allow for direct exiting. Commissioner Johnson asked if it was the change from 6 to 8 residents that made these laws apply to this application. Fire Marshall Devendorf stated that it made it from residential to a commercial aspect where it would require the appropriate exiting, because of the non-ambulatory. Commissioner Johnson asked that since the house is relatively new was she aware that this was needed at that time? Owner stated that the building was designed for dementia care facility, and she changed her mind, and is now doing non-ambulatory instead of dementia care. Commissioner Johnson complemented the applicant on the facilities that she has. Vice Chair Petersen questioned if the additional doors to the outside would make this home not fit in to the neighborhood. Fire Marshall Devendorf stated that since he has been here in the City of San Bruno as a Fire Marshall a condition of a higher fence may be added to block that view, the doors should never be accessed but used as an emergency. They can be locked to access cannot be gained from outside in. Vice Chair Petersen was concerned that if this use is changed from being a care facility, but used as a SFD it would need to be brought back to its intended use. Assistant Planner Aknin stated that none of the neighbors had any concerns with the expansion. Commissioner Schindler asked how much of a grade separation there is from the bedroom to the walkway. Fire Marshall Devendorf stated that there is a condition of approval that requires ramps. Commissioner Johnson stated that all exit doors have an alarm. Commissioner Johnson expressed concern of not having enough room on the side of the house to transport residents through. The Architect stated that the side would be a raised deck to the street with a ramp.

Public Hearing Closed

**Motion Petersen /Second Johnson** to **approve** Use Permit 03-06 based on Findings of Fact (1-8) and Conditions of Approval (1-11). Additional condition #10 that this return to the Planning Commission if it changes from a non-ambulatory facility, and #11 to include March 17, 2003 memo from Fire Marshall.

VOTE:	4-0-0
AYES:	4
NOES:	0
ABSTAIN:	0

**FINDINGS FOR APPROVAL**

1. Proper notice of the public hearing was given by legal notice published in the San Bruno Herald, Saturday, March 8, 2003, and notices were mailed to property owners within 300 feet of the project site on March 18, 2003.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.

3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
5. The general appearance of the proposed care expansion is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property.
6. An eight person care facility will not have a negative impact on the surrounding residential uses.
7. The care facility is consistent with the San Bruno General Plan, which designates the property for low-density residential purposes.
8. The off-street parking will be adequate for the residence.

#### **CONDITIONS FOR APPROVAL**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 03-06 shall not be valid for any purpose. Use Permit 03-06 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
3. The applicant shall meet all requirements set forth by the San Bruno Fire Department (**specific conditions to be presented at the Planning Commission meeting**)
4. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
5. No portion of the residence or garage shall be rented out as a secondary residential dwelling unit, or used as a senior care facility room.
6. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
7. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
8. A copy of the senior care license from state Department of Community Care Licensing shall be submitted to the Community Development Department.
9. This use permit allows the senior care facility at 2595 Oakmont Drive to care for up to eight (8) residents. If the applicant would like to expand the facility an amendment to this use permit is required.
10. this property is to return to the Planning Commission if it changes from a non-ambulatory facility
11. Include March 17, 2003 memo from Fire Marshall.

#### **12. City of San Bruno Housing Element**

Review and recommendation for adoption of the San Bruno Housing Element as approved by the California Department of Housing and Community Development. The Housing Element includes a comprehensive set of housing policies and actions for the years 1999 to 2006 in compliance with State laws.

Community Development Director Foscardo asked the Planning Commission to pass the Housing Element to the City Council through an adoption of Resolution 2003-04. This Housing Element builds off the existing Housing Element that is in the 1984 General Plan. Vice Chair Petersen stated that this document is remarkable, and commended staff and the consultants on this project. Vice Chair Petersen asked about (page 73 figure 7.1-1, mixed use sites,) if a potential site of a shopping center would up near Skyline and the property across the street. Community Development Director Foscardo stated that one site will be used for housing, and where Lunardis Shopping Center is, would want to do some housing

around Lunardis. But the basic premise there is that Lunardis would be the anchor there, with housing surrounding it.

Public Hearing Opened

NA

Public Hearing Closed

**Reading of Resolution 2003-04 waived and introduced by Commissioner Petersen.**

**Approved by Roll Call vote**

VOTE:	4-0-0
AYES:	4
NOES:	0

**13. Planning Commission By-Laws**

Review and recommendation for adoption the proposed new Planning Commission By-Laws; per Section 2.08.050 of the San Bruno Municipal Code.

City Attorney Thompson stated that the By-Laws were in need for an update, and she is looking for the Planning Commission's input to any changes, corrections, additions, and once they are ready for the Commissions approval, it will need to move up to the City Council. She reviewed some of the changes that have been made already.

Vice Chair Petersen commended the City Attorney on the changes that have already been done, and commented on how it reads much easier now. He asked about 7.3.8 (page 11) and asked if the City Attorney can put in "reasonably determines". Also on page 13 (section 7.4.3.1) at the top, should delete "the commission" part of talking directly to the public, it should be just city staff. Vice Chair Petersen asked if that section could be re-worded to make it simpler to understand. The purpose of that section is that the commissioners are the ones to direct the dialogue with the staff versus having the public question the staff members. She will make that change prior going to City Council if it is approved tonight. Commissioner Johnson stated that she feels that the Chair should not make a motion or second a motion. They act more as a facilitator. City Attorney stated that she would add a statement in the section to clarify that the chair does not make a motion, and just acts as a facilitator. Vice Chair Petersen (page 9 section 6) asked if it would be appropriate to add that 6.8 be the custodian of the Planning Commission Web Site. Community Development Director Foscardo stated Secretary is the liaison to the Web Site and that could be noted. Chair Chase asked if the "Oath of office" was in the previous set of By-Laws. City Attorney stated that she didn't think so. Commissioner Johnson asked if there was anything about resolutions that needed to be put into the By-Laws. City Attorney stated that she would add a small section about that. Chair Chase stated that on page 9 it should read "any member except the chair".

Public Hearing Opened

NA

Public Hearing Closed

**Reading of Resolution 2003-03 waived and introduced by Commissioner Johnson.**

**Approved by Roll Call vote**

VOTE:	4-0-0
AYES:	4
NOES:	0

**14. City Staff Discussion**

Community Development Director Foscardo stated that there would be a special City Council meeting regarding the PG&E project. Approximately 1,500 people were notified. Assistant Planner Akinin notified the Planning Commission about the Linden Avenue parking that would be added by City Hall. This parking will increase the parking from 26 to 54. This parking is in back of City Hall adjacent to the Library.

**15. Planning Commission Discussion**

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**George Foscardo,**  
Secretary to the Planning Commission  
City of San Bruno

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**Kevin Chase ,** Chairperson  
Planning Commission  
City of San Bruno

NEXT MEETING: May 18, 2003

GF/ts

Adjourned at: 10:00